

DEPARTMENT OF TRANSPORTATION - District 4 Toll Bridge Program

345 Burma Rd.
Oakland, CA 94607
(510) 286-0352, (510) 622-5165 fax



MCM CONSTRUCTION, INC.
6413 32ND STREET
NORTH HIGHLANDS, CA 95660

October 17, 2008

Contract No. 04-0120L4
04-Ala-80-1.6/2.7
Oakland Touchdown
SFOBB-ESSSP

Attn: Mr. Greg Allen
Project Manager

Letter No. 05.03.01-001121

Subject: Project Delay Discussions

Dear Mr. Allen,

This is to confirm a discussion that took place between Mr. Amer Bata of Caltrans and Mr. Harry McGovern of MCM on October 15, 2008 in an effort to resolve all issues related to the project delays. The summary of the discussions points are numerated below:

1. The Designated Portion of Work (DP) completion date will be extended between 83-100 days. The exact number of days will be determined as described in item 2 through 4 below.
2. The Contract Work (CW) completion date will be extended by X number of days. This X number of days will be determined based on an acceptable Time Impact Analysis (TIA) that reflects all ISDs delays, as well as delays caused by deferred time contract change orders (CCOs) and NOPCs. Caltrans and MCM representatives will meet on Wednesday, October 22, 2008 to review the baseline schedule and to determine what this X number of days would be.
3. For the X number of days, the contractor will be compensated at a rate of 50% of the daily Time Related Overhead and \$10,000.00 per day for the cost of keeping the material and equipment on the project.
4. In determining the X number of days, all available options will be evaluated and the option that imposes the least cost and time impact to the contract will be selected. One such option would be to consider bringing in an additional set of false work (at State's expense) and/or removal of the existing temporary Skyway access trestle at an earlier date than that allowed in the contract.
5. This agreement is intended to resolve all outstanding NOPCs time and cost issues, time extensions for all existing deferred time CCOs for work performed to date, and ISDs delays.

Following the determination of the X number of days, a contract change order will be issued, in accordance with Section 4-1.03 "Changes", of the Standard Specifications to compensate the contractor for the work of this agreement.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ben Ghafghazi'.

Ben Ghafghazi
Resident Engineer

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cc: Harry McGovern
Amer Bata

file: 05.03.01, 62.00